

SAM J. POLVERINO
ATTORNEY AT LAW

TWO N. SECOND ST., STE. 295
SAN JOSE CALIFORNIA 95113
P. 408.295.9830
FAX 408.295.9830

email: spolverino@sjlawyer.net
State Bar No. 87563
ATTORNEYS FOR

Greg Franco

E-FILED - 8/12/09

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

v.

GREGORY JOHN FRANCO.

Case No.: CR-08-00871-1-RMW

**STIPULATION FOR
CONTINUANCE OF
SENTENCING HEARING
AND ORDER**

Hearing Date: July 27, 2009
Hearing Time: 9:00 a.m.
Courtroom Number:

Relief Requested

All of the parties to this action, by their signatures on this motion agree and stipulate that the sentencing hearing date in this matter which is currently set for July 27, 2009 at 9:00 a.m., may be continued three weeks to August 17, 2009, at 9:00 a.m.

Compliance with Local Court Rules

In compliance with the Rules of Court governing motions for continuance, specifically Crim.L.R. 32-2, the undersigned certifies to the court that the AUSA and the Probation Officer on this case have been contacted with the proposed date and they have agreed that they are

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Sentencing Hearing
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1 available on that date. The undersigned attorney for defendant, GREGORY JOHN FRANCO,
2 has also contacted the calendar clerk for Judge Ronald Whyte and cleared the proposed date of
3 August 17, 2009.

4 **Grounds for Relief**

5 Good cause exists for rescheduling of this sentencing hearing in that:

6 The defendant requests a continuance because of the following reasons and Assistant U.S.
7 Attorney Grant Fondo does not oppose this request:

- 8 1) There is a discrepancy in the agreed upon sentence based upon an examination
9 of the proposed guidelines.
10 2) There is information which the defense needs to further investigate relevant to
11 the defendant's prior convictions.

12 This stipulation for continuing the sentencing hearing date is entered into by:

13 Dated: July 15, 2009

14 For Defendant, GREGORY JOHN FRANCO



15 Sam J. Polverino
16 LAW OFFICE OF SAM J. POLVERINO
17 75 East Santa Clara Street, Suite 295
18 San Jose, CA 95113
19 tel: 408.295.3330
20 fax: 408.295.9830
21 email: spolverino@sjlawyer.net
22 Attorney for Gregory John Franco

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26 Stipulation for Continuance of
27 Sentencing Hearing
28 CR-08-00871-1-RMW

TWO H. SECOND ST., STE. 295
SAN JOSE CALIFORNIA 95113
408.295.3330

SAM J. POLVERINO
ATTORNEY-AT-LAW

1
2 Date: 7/17/09

3 For Plaintiff, the United States of America

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5 
6 Grant Fondo
7 US ATTORNEY
8 150 Almaden Blvd., Suite 900
9 San Jose, CA 95113
10 Tel: (408) 535-5035
11 Fax: (408) 535-5066

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75 E. SANTA CLARA ST., STE. 295
SAN JOSE, CALIFORNIA 95113
PH 408.295.3330

SAM J. POLVERINO
ATTORNEY AT LAW

Stipulation for Continuance of
Sentencing Hearing
CR-08-00871-1-RMW

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ATTORNEY AT LAW

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Fax 408.295.9830

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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

UNITED STATES OF AMERICA,

Case No.: CR-08-00871-1-RMW

v.

**ORDER CONTINUING
SENTENCING HEARING**

GREGORY JOHN FRANCO.

Hearing Date:
Hearing Time:
Courtroom Number:

The Court has considered the stipulation and the papers submitted in support of the request to continue the sentencing hearing. After full consideration of the matter:

IT IS ORDERED:

1. The motion to continue the sentencing hearing in this matter is GRANTED.
2. The currently set date for sentencing in this matter of July 27, 2009 at 9:00 a.m. is

vacated.

3. The new sentencing hearing date is August 17, 2009

Dated: 8/12/09

Ronald M. Whyte

UNITED STATES DISTRICT JUDGE

Order for Continuance of
Sentencing Hearing
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